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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10 SHERRILL FOSTER, HOWARD FOSTER,   ) No.   C-07-5445-EMC
    SHEILA BURTON, and MINNIE BURTON,   )
11   ) **ADMINISTRATIVE MOTION FOR**
           Plaintiffs,   ) **SECOND CONTINUANCE OF INITIAL**
12   ) **CASE MANAGEMENT CONFERENCE;**
    v.   ) **DECLARATION OF COUNSEL**
13   )
    SHANNON EDMONDS, LORI TYLER,   ) [Jury Trial Demanded]
14 COUNTY OF LAKE, CITY OF CLEARLAKE,   )
    and DOES 1-100,   ) Date: March 19, 2008
15   ) Time: 1:30 p.m.
           Defendants.   )
16 _____)

17   PLEASE TAKE NOTICE that Plaintiffs SHERRILL FOSTER, HOWARD FOSTER,

18 SHEILA BURTON, and MINNIE BURTON, by and through counsel, pursuant to Civil Local

19 Rules (Civil LR), Rule 3-12(b), hereby move this Court as follows:

20   FOR SECOND CONTINUANCE OF INITIAL CASE MANAGEMENT

21   CONFERENCE; and,

22   FOR LEAVE TO SERVE CERTAIN DEFENDANTS MORE THAN 120 DAYS POST-

23   FILING OF THE ACTION.

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26 *Foster, et al., v. Edmonds, et al.* (No. C-07-5445-EMC)   P005.ADMINMOTION
    ADMINISTRATIVE MOTION FOR SECOND CONTINUANCE
    OF INITIAL CASE MANAGEMENT CONFERENCE;
    DECLARATION OF COUNSEL   - 1 -

DISCUSSION

On about December 7, 2005, against CHRISTIAN DANTE FOSTER [the adult son of Sherrill Foster and Howard Foster] and RASHAD LARON MORRIS WILLIAMS [the adult son of Sheila Burton and grandson of Minnie Burton] were killed by Shannon Edmonds in the County of Lake. Edmonds and his then-fiancé, Lori Tyler, were never charged with the brutal murders of Christian and Rashad. Plaintiffs are informed and believe Defendants Edmonds and Tyler were protected before December 7, 2005, and have been protected since December 7, 2005, by certain members of law enforcement in Lake County and the City of Clearlake.

This action was filed before the statute of limitations passed on the plaintiffs' claims, and the complaint was amended on December 7, 2007, after additional information was obtained. The amended complaint has been served on the named individual defendants, but the process server refused to serve additional defendants in the area; thus, Plaintiffs' counsel has secured the services of a different process server and expects service to be completed within a matter of a few days. Proofs of service on the individuals have been provided and will be filed today.

Counsel for Plaintiffs, Russell A. Robinson, needed additional time to examine records requested under both state and federal Freedom of Information Acts (FOIA) on behalf of the plaintiffs. Several requests have not resulted in the production of any records, and Plaintiffs have now sought information from several agencies to which requests were not previously directed.

There are a number of issues that need to be addressed by these records. Attorney-client privilege and the doctrine of attorney work-product protect these things from disclosure.

1   / / /

2   Therefore, Robinson requests the initial CMC be continued to Wednesday, May 7, 2008,

3   at 2:30 p.m. At this juncture, Plaintiffs' counsel believes this is the final request for the relief

4   sought herein.

5

6   Date: March 11, 2008   /s/Russell A. Robinson
                                        By: Russell A. Robinson
7   Law Office of Russell A. Robinson, APC
                                        Counsel for Plaintiffs
8   SHERRILL FOSTER, HOWARD FOSTER, SHEILA
                                        BURTON, and MINNIE BURTON
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10   **DECLARATION**

11   I, Russell A. Robinson, hereby declare as follows:

12   1.   I am an attorney licensed to practice before all Courts in this State and admitted to

13   practice in the Northern District of California. The below true and correct facts are based on my

14   own personal knowledge, except facts stated as based on information and belief; as to facts so

15   stated, I believe these to be true.

16   2.   I am counsel of record for the plaintiffs in this case.

17   3.   The amended complaint has been served on the named individual defendants, but

18   the process server refused to serve additional defendants in the area (Lake County); thus, I

19   secured the services of a different process server and expect service to be completed within a

20   matter of a few days. Proofs of service on the individuals have been provided and will be filed

21   today, March 11, 2008; defaults will be requested in short order.

22   4.   I had also needed additional time to examine records requested under both state

23   and federal Freedom of Information Acts (FOIA) on behalf of the plaintiff before this action can

24   be served and the issues joined. Many of the requests have not resulted in the production of any

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26   *Foster, et al., v. Edmonds, et al.* (No. C-07-5445-EMC)   P005.ADMINMOTION
     ADMINISTRATIVE MOTION FOR SECOND CONTINUANCE
     OF INITIAL CASE MANAGEMENT CONFERENCE;
     DECLARATION OF COUNSEL   - 3 -

1 records yet, and Plaintiff has now sought information from several agencies to which requests

2 had not previously been directed. While I filed this action in good faith, there are a number of

3 issues that need to be addressed by these records. The attorney-client privilege and the doctrine

4 of attorney work-product protect these things from disclosure.

5   5.   Therefore, I request the initial CMC be continued to Wednesday, May 7, 2008, at

6 2:30 p.m. At this juncture, I believe this is the final request for the relief sought herein.

7   I, Russell A. Robinson, hereby declare under penalty of perjury and under the laws of the

8 State of California, that the above is true and correct.

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10 Date: March 11, 2008   _____/s/Russell A. Robinson_____
                                        By: Russell A. Robinson
11   Law Office of Russell A. Robinson, APC
                                        Counsel for Plaintiffs
12   SHERRILL FOSTER, HOWARD FOSTER, SHEILA
                                        BURTON, and MINNIE BURTON

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26 *Foster, et al., v. Edmonds, et al.* (No. C-07-5445-EMC)   P005.ADMINMOTION
    ADMINISTRATIVE MOTION FOR SECOND CONTINUANCE
    OF INITIAL CASE MANAGEMENT CONFERENCE;
    DECLARATION OF COUNSEL   - 4 -